



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3007157

Applicant: Dan Duffus

Address: 902 Fifteenth Avenue

SUMMARY OF PROPOSED ACTION

Land Use application to subdivide one parcel into three parcels of land. Proposed parcel sizes are the following: A) 3,372.9 square feet, B) 2,667.1 square feet and C) 1,926.5 square feet. Project also includes a unit lot subdivision of Parcel A into two unit lots. Existing duplex to remain, (constructed in 1943 under permit #355736)

The construction of a townhouse structure has been approved under Permit #355736. The subdivision of Parcel A is only for the purpose of allowing sale or lease of the unit lots. Development standards for Parcel A will be applied to Parcel A as a whole and not to each of the new unit lots.

The following approval is required:

Short Subdivision - to create three parcels of land and two unit lots. (Chapter 23.24, Seattle Municipal Code).

BACKGROUND INFORMATION

Zoning: Lowrise One (LR1)

Uses on Site: Duplex

Substantive Site Characteristics: The single lot totals approximately 7,966.5 sq. ft. The site fronts onto 15th Avenue and East Marion Street with a total of 66.33 linear feet of frontage on 15th and 120 linear feet of frontage on E. Marion. A duplex occupies the lot. The site ascends eastward by roughly 19 feet from the southwest to the northeast corners. The property does not contain an environmentally critical area.

Public Comment: DPD received seven comment letters. All but two of the letters opposed the project due to parking congestion problems, lack of design review, view blockage, water supply and pressure problems in the neighborhood. Two letters also noted a discrepancy in the size of the lot. One person welcomed the proposal.

ANALYSIS –SHORT SUBDIVISION & UNIT LOT SUBDIVISION

Parcel A will be unit lot subdivided. This unit lot subdivision is a type of short subdivision, and is subject both to the general approval criteria for short subdivisions and also specific requirements for unit lot subdivisions.

General short subdivision standards: Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing; and*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code,

and are consistent with applicable development standards. This short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in a mapped environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat does not necessarily maximize the retention of existing trees. An exceptional tree located on the site was wrongfully removed by the property owner before DPD could determine whether the proposal was designed to maximize the retention of this tree. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

Unit lot subdivision standards: The unit lot subdivision must conform to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

The unit lot subdivision conforms to applicable standards of SMC 23.24.045. Structures reviewed under a separate building permit, conform to the development standards at the time the permit application was vested *to Code*.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS:

Prior to Recording

Update plat to reflect existing conditions, including removing notation of existing tree which has been removed.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **GRANTED**.

Signature: (Signature on File)
Bruce Rips, AICP
Senior Land Use Planner

Date: August 18, 2011